SOUTHERN DISTRICT OF NEW YO	PRK	
BRUCE WINSTON GEM CORP.,)	
	.)	
Plaintiff,)	
)	
v.)	
)	09 CIV 7352 (JGK)
HARRY WINSTON, INC., and)	
HARRY WINSTON S.A.)	ECF Case
Defendants.)	

DECLARATION OF MARY R. TRUE IN SUPPORT OF DEFENDANTS HARRY WINSTON, INC. AND HARRY WINSTON S.A.'S MOTION TO DISMISS

Mary R. True declares as follows:

UNITED STATES DISTRICT COURT

- 1. I am a partner at the law firm Bricker & Eckler LLP, counsel to Defendants Harry Winston, Inc. and Harry Winston, S.A. (collectively, "HWI"). This declaration is submitted in support of HWI's Motion to Dismiss.
- 2. All deposition excerpts and deposition exhibits attached hereto are from discovery depositions taken in Opposition No. 91153147 pending before the Trademark Trial and Appeal Board of the United States Patent & Trademark Office (the "TTAB Opposition").
- 3. Attached hereto as Exhibit A is a true and correct copy of Plaintiff's Notice of Reliance, with attached articles, filed on August 14, 2009 in the TTAB Opposition.
- 4. Attached hereto as Exhibit B is a true and correct copy of a document prepared by HWI entitled "Harry Winston Group Consolidated Net Sales" which HWI was planning to introduce into evidence in the TTAB Opposition via the testimony deposition of HWI's Chief Financial Officer, Robert Scott, scheduled for August 26, 2009.

- 5. Attached hereto as Exhibit C is a true and correct copy of the Docket for the TTAB Opposition.
- 6. Attached hereto as Exhibit D is a true and correct copy of a March 29, 2004 letter from Glenn F. Ostrager to Joseph R. Dreitler.
- 7. Attached hereto as Exhibit E is a true and correct copy of a June 13, 2007 letter from Joseph R. Dreitler to Glenn F. Ostrager.
- 8. Attached hereto as Exhibit F is a true and correct copy of a February 18, 2008 letter from Joseph R. Dreitler to Glenn F. Ostrager.
- 9. Attached hereto as Exhibit G is a true and correct copy of a May 21, 2009 letter from Glenn F. Ostrager to Joseph R. Dreitler.
- 10. Attached hereto as Exhibit H is a true and correct copy of Opposer's First Set of Requests for Production of Documents in the TTAB Opposition.

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I declare under penalty of perjury that the foregoing is true and correct on this 9th day of October, 2009.

Mary R. True